

RECEIVED  
CENTRAL FAX CENTER

JUN 03 2005

**OFFICIAL**

**CARDINAL LAW GROUP**

1603 Orrington Avenue/Suite 2000  
Evanston, Illinois 60201  
Telephone 847-905-7111  
Facsimile 847-905-7113

Date: JUNE 3, 2005

To: EXAMINER NGUYEN, THANH T.  
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 872-9306

From: FRANK C. NICHOLAS  
Phone #: (847) 424-2521

Client/Matter No.: AUS920000801US1 (9000/11)

# of Pages: 24  
(including cover sheet)

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE, PLEASE CALL 847/905-7111, Ext. 112 AND ASK FOR JENNIFER CRUZ

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

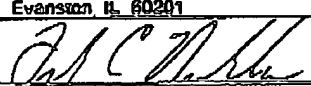
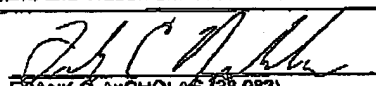
PTO/SB/21 (12-07) Approved for use through 8/3/08. Do not alter. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE  
Under the Paper Reduction Act of 1994, no person is required to comply with a request for a reduction of information unless it appears on this form.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after mailing)</p>	Attorney Docket No.	AUS200310001US1 (8000/11)
	Application Number	08/751,624
	Filing Date	DECEMBER 7, 2000
	First Named Inventor	STEVEN M. FRENCH
	Group Art Unit	2144
	Examiner	NGUYEN, THANH T.

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declarations(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawing Sheets <input type="checkbox"/> After Adversely Communication to Group <input type="checkbox"/> Patent Routing Slip (PTO/SB/28) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Brief <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 08-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.		

## CALCULATION OF FEE

				Small Entity		or	Large Entity	
	Claims After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus	0	x \$26=	0		x \$60=	
Indep.		Minus	0	x \$100=	0		x \$200=	
First Presentation of Multiple Dep. Claim				+ \$180=	—		+ \$360=	
				total add'l fee		\$ 0	total add'l fee	
							\$ 0	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,883 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	June 3, 2005
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted via facsimile to (703) 672-9303 to the United Patent and Trademark Office on this date: <u>June 3, 2005</u>			
Signature		Date	June 3, 2005
FRANK C. NICHOLAS (33,883)			

PTO/SB/61 (12-97) Approved for use through 03/31/00 One Sheet Only Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE  
 Unless the Paper Reduction Act of 1992, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

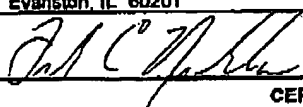
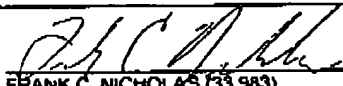
<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No	AJS920000801US1 (9000/11)
	Application Number	08/731,524
	Filing Date	DECEMBER 7, 2000
	First Named Inventor	STEVEN M. FRENCH
	Group Art Unit	2144
	Examiner	NGUYEN, THANH T.

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement, PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawing Sheets  <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Raising Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Brief  <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.

## CALCULATION OF FEE

	Claims After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		0
Indep.		Minus		0
First Presentation of Multiple Dep. Claim				

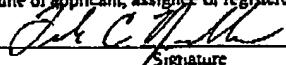
Small Entity		or	Large Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$25=	0		x \$50=	
x \$100=	0		x \$200=	
+ \$180=			+ \$380=	
total add'l fee			total add'l fee	
\$ 0			\$ 0	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1803 Omnigton Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	June 3, 2005
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted via facsimile to (703) 872-9306 to the United Patent and Trademark Office on this date:			June 3, 2005
Signature		Date	June 3, 2005
FRANK C. NICHOLAS (33,983)			

RECEIVED  
CENTRAL FAX CENTER

JUN 03 2005

Certificate of Facsimile  
I hereby certify that this correspondence is being  
transmitted by facsimile to (703) 872-9306 to the U.S.  
Patent and Trademark Office June 3, 2005  
(Date of Deposit)

FRANK C. NICHOLAS (33 983)  
Name of applicant, assignor or registered representative  
  
Signature  
June 3, 2005  
Date of Signature

PATENT  
Case No.: AUS920000801US1  
(9000/11)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of:	)	
	)	
STEVEN M. FRENCH, ET AL.	)	Examiner: NGUYEN, THANH
	)	
Serial No.: 09/731,624	)	
	)	Group Art Unit: 2144
Filed: DECEMBER 7, 2000	)	
Title: METHOD AND SYSTEM FOR	)	
GENERATING A LIST OF OPERATING	)	
SYSTEMS FOR A TARGET DEVICE	)	

APPEAL BRIEF

Mail Stop Appeal Briefs - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Appellants herewith respectfully present their Brief on Appeal as follows:

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 2 of 21

### **TABLE OF CONTENTS**

1.	Real Party In Interest . . . . .	3
2.	Related Appeals And Interferences . . . . .	4
3.	Status Of Claims . . . . .	5
4.	Status Of Amendments . . . . .	6
5.	Summary Of Claimed Subject Matter. . . . .	7
6.	Grounds Of Rejection To Be Reviewed On Appeal . . . . .	8
7.	Grouping Of Claims. . . . .	9
8.	Arguments . . . . .	10
	A. Beelitz does not disclose "receiving from the server, at the target device, an available operating systems list of at least one operating system available to the target device." . . . . .	10
	B. Beelitz does not disclose "a method of dynamically creating a list of operating systems for a target device in communication with a server prior to executing an operating system on the target device". . . . .	12
9.	Summary . . . . .	14
	Claims Appendix . . . . .	15
	Evidence Appendix . . . . .	21
	Related Proceedings Appendix . . . . .	21

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 3 of 21

**1. REAL PARTY IN INTEREST**

The real party in interest is Assignee INTERNATIONAL BUSINESS MACHINES CORPORATION, by virtue of an assignment executed by the inventors on December 4 and 5, 2000 and filed with the United States Patent and Trademark Office on December 7, 2000, recorded at reel number 011372 frame number 0108.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 4 of 21

**2. RELATED APPEALS AND INTERFERENCES**

Appellants and the undersigned attorneys are not aware of any appeals or any interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 5 of 21

3. STATUS OF CLAIMS

Claims 1-27 stand rejected as anticipated by Beelitz, et. al., United States Patent No. 6,182,275B1.

Claims 1-27 are the claims on appeal. See, Appendix.



June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 6 of 21

4. STATUS OF AMENDMENTS

Claims 24-27 were added and entered into the application in the response to the May 14, 2004 office action. Claims 1, 12, and 21 were each amended in the same response.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 7 of 21

#### 5. SUMMARY OF CLAIMED SUBJECT MATTER

In this summary of claimed subject matter, all citations are to the specification of United States Patent Application 09/731,624 filed on December 7, 2000. Further, all citations are illustrative only and support for the cited element may be found elsewhere in the specification.

The invention relates to a method of dynamically creating a list of operating systems for a target device in communication with a server, the target device to be remotely booted by the server, prior to executing an operating system on the target device. (p. 3, lines 14-16) The method receives from the server, at the target device, an available operating systems list of at least one operating system available to the target device. (p.3, lines 16-17) The method further determines a hardware configuration of the target device and determines if the hardware configuration is compatible with each operating system from the available operating systems list. (p. 3, lines 17-19) A compatible operating systems list is generated. (p. 3, lines 19-20).

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 8 of 21

6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL  
Claims 1-27 were rejected under 35 U.S.C. §102(e) under Beelitz.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 9 of 21

**7. GROUPING OF CLAIMS**

Claims 1-27 should be considered as one group, standing or falling with claim 1.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 10 of 21

## 8. ARGUMENTS

**The Examiner rejected claims 1-27 as anticipated under 35 U.S.C. §102(e) by Beelitz**

The §102(e) rejection of claims 1-27 was traversed. In order to maintain this §102(e) rejection, each and every element of the claimed invention must be disclosed in as great detail by the reference. Because the reference does not disclose each and every element, this rejection must fall.

- A. Beelitz does not disclose “receiving from the server, at the target device, an available operating systems list of at least one operating system available to the target device.”**

Claim 1 requires, *inter alia*, “receiving from the server, at the target device, an available operating systems list of at least one operating system available to the target device.” Contrary to the Examiner’s assertions, Beelitz does not disclose such an element. Specifically, Beelitz, at most, discloses “[I]n step 207, control 103 *provides to the user interface 105* a list of the operating system types available.” (emphasis added) at column 7 55-56. Furthermore, “[I]n step 204, *control 103 accesses the master data base 125* to create or generate a list of operating system types available for the targeted computer system” (column 7 lines 35-37).

Control 103 “receives an indication *from a user interface 105* indicating the desire to purchase a computer system.” Column 7, lines 30-32 (emphasis added). Thus, control 103 is distinguished from the targeted computer system 137 (FIG. 1 of Beelitz) and the terminal or user interface 105 (FIG. 1 of Beelitz):

Thus, Beelitz does not disclose “receiving from the server, at the target device, an available operating systems list of at least one operating system available to the target device”, and instead discloses that the “operating systems list” is received at a *user interface 105*.

June 3, 2005

Case No.: AUS920000801US1 (9000/11)

Serial No.: 09/731,624

Filed: December 7, 2000

Page 11 of 21

Indeed, such a teaching unequivocally teaches away from the instant invention. As previously noted, Beelitz is addressed to a problem facing computer manufacturers – how to install a desired operating system on a target computer that is the subject of a pending sale of the target computer. “A system for specifying, ordering, and building a build-to-order computer system.” Abstract, Beelitz. Therefore, for Beelitz, presenting the “operating systems list” to the *target device* would be pointless, as *the user does not yet have access to the target device*. In contrast, the instant invention, directed at computer networks wherein “the target device [is] to be remotely booted by the server” as noted in the preamble, “receiving from the server, at the target device, an available operating systems list of at least one operating system available to the target device” would solve a problem facing the inventors. Namely, the claimed invention illustrates how to select a preferred operating system for the target device from the compatible operating systems list and execute the preferred operating system on the target device using a remote boot.

The Examiner’s citation to column 16, lines 35-38 (extended selection below) further illustrates the failure of Beelitz to disclose each and every element of claim 24, and further demonstrates that Beelitz teaches away from the claimed invention.

In other embodiments, a user may select other hardware components to be implemented on a targeted computer system. For example, in one embodiment, the user is presented a list of hard drives compatible with the CPU and operating system selected. In other embodiments, the user is presented with a list or lists of compatible peripheral devices. For example, the present invention may also be used by a purchaser to select a compatible type of modem to be installed in the target computer system as well as the type or types of disk drives or CD ROM drives. Other options that could be presented to a user with the present invention include various types of computer chassis, keyboards, and displays. Each hardware component and software program presented to a user would be compatible with the previous selection or selections made by the user. In some embodiments, each type of hardware component would be presented in sub menu or sub-list. Each of the entries for the additional hardware items would include associated tags which indicate compatibility with previous choices.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 12 of 21

In the instant case, the hardware components of the target device are already known (or at least pre-determined) to the user – the user is operating the target device in their presence, and is selecting an operating system to remotely boot the target device.

Because Beelitz fails to disclose “receiving from the server, at the target device, an available operating systems list of at least one operating system available to the target device” this §102(e) rejection must fall.

**B. Beelitz does not disclose “a method of dynamically creating a list of operating systems for a target device in communication with a server prior to executing an operating system on the target device”**

Beelitz does not disclose “a method of dynamically creating a list of operating systems for a target device in communication with a server prior to executing an operating system on the target device,” as claimed in independent claim 1. Furthermore, Beelitz does not disclose “the target device [is] to be remotely booted by the server.”

Per MPEP §2111.02, the preamble of a claim is to have “the import that the claim as a whole suggests for it. In claim 1, the claim as a whole suggests the limitation that the target is a remotely booted device, and Beelitz does not disclose this element. Beelitz is addressed to a problem facing computer manufacturers – how to install operating systems on computers that are being assembled. Beelitz discloses a method of installing operating systems for target computers that will be separated from the network, shipped to an end user, and then booted. *See, inter alia*, the Abstract of Beelitz, disclosing a “system for specifying, ordering, and building a build-to-order computer system.”

In contrast to the Beelitz disclosure, the instant case addresses problems faced by network administrators with target devices that are remotely booted on a network.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 13 of 21

At most, Beelitz discloses that a targeted computer system 137 is initially booted up to perform the operations and instructions as per associated shell script files to load the selected programs onto its hard drive and to run the tests. In one embodiment, the selected software programs and operating systems can be down loaded and installed on the targeted computer system via the Internet. See, column 15, lines 1-7. Thus, Beelitz does not disclose "the target device to be remotely booted by the server" – Beelitz teaches only loading and installing the operating system onto the targeted computer system to boot the system.

For example, see FIG. 5, and step 520 from Beelitz, column 14, lines 30-55. Beelitz uses a data file to implement the selections per the data file on the targeted computer system. "Thus, the selected operating system, selected software programs, selected patches, selected hard drive operations, the determined always run parts, and other selections are *installed, implemented and tested* by the execution of the associated shell script files. (column 14, lines 37-42)(emphasis added) "The script processing program interprets the instructions of the shell script files and acts upon those instructions *to perform the actual instructions for the installation or implementation of the part on the computer system.*" (column 14, lines 46-50)(emphasis added).

Withdrawal of the rejections to claims 24 and 25-27 depending therefrom is requested.



June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 14 of 21


**SUMMARY**

The Appellants respectfully submit that claims 1-27 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: June 3, 2005

Respectfully submitted,  
STEVEN M. FRENCH, et al.

CARDINAL LAW GROUP  
1603 Orrington Avenue, Suite 2000  
Evanston, IL 60201  
(847) 905-7111

  
FRANK C. NICHOLAS,  
Registration No. (33,983)  
Attorney for Appellants

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 15 of 21

## 10. APPENDIX

1. A method of dynamically creating a list of operating systems for a target device in communication with a server, the target device to be remotely booted by the server, prior to executing an operating system on the target device, comprising:
  - receiving from the server, at the target device, an available operating systems list of at least one operating system available to the target device;
  - determining a hardware configuration of the target device;
  - determining if the hardware configuration is compatible with each operating system from the available operating systems list; and
  - generating a compatible operating systems list.
2. The method of claim 1 wherein the hardware configuration is determined by a network discovery process.
3. The method of claim 1, further comprising:
  - mapping a specific location of the target device.
4. The method of claim 3 further comprising:
  - determining at least one location-based operating system that is based on the specific location of the target device.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 16 of 21

5. The method of claim 4 further comprising:  
determining if the hardware configuration is compatible with the  
location-based operating system.
6. The method of claim 4 wherein the compatible operating systems list  
does not include the location-based operating system, further comprising:  
adding the location-based operating system to the compatible operating  
systems list.
7. The method of claim 4, wherein the available operating systems list does  
not include the location-based operating system, further comprising:  
adding the location-based operating system to the available operating  
systems list.
8. The method of claim 1, further comprising:  
selecting, at the target device, a target operating system from the  
compatible operating system list.
9. The method of claim 8 further comprising:  
receiving at the target device, the target operating system.
10. The method of claim 9 further comprising:  
providing an initial bootstrap to the target device; and  
executing the initial bootstrap on the target device before the target  
operating system is selected.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 17 of 21

11. The method of claim 10 further comprising:  
relocating the initial bootstrap after the target operating system is received.
12. Computer program product in a computer usable medium for dynamically creating a list of operating systems for a target device in communication with a server, the target device to be remotely booted by the server, comprising:  
means for receiving at the target device an available operating systems list of at least one operating system available to the target device;  
means for determining a hardware configuration of the target device;  
means for determining if the hardware configuration is compatible with each operating system from the available operating systems list; and  
means for generating a compatible operating systems list.
13. The program of claim 12 further comprising:  
means for discovering the hardware configuration via a network discovery process.
14. The program of claim 12 further comprising:  
means for determining at least one location-based operating system based on the location of the target device.
15. The program of claim 14 further comprising:  
means for adding the location-based operating system to the available operating systems list.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 18 of 21

16. The program of claim 14 further comprising:  
means for determining if the hardware configuration is compatible with  
the location-based operating system.

17. The program of claim 16 further comprising:  
means for adding the location-based operating system to the compatible  
operating systems list if the hardware configuration is compatible with the location-  
based operating system.

18. The program of claim 12, further comprising:  
means for receiving a selection of a target operating system from the  
compatible operating system list; and  
means for sending the target operating system to the target device.

19. The program of claim 18 further comprising:  
means for executing a network bootstrap on the target device before the  
target operating system is selected.

20. The method of claim 19 further comprising:  
means for relocating the network bootstrap after the target operating  
system is selected.

June 3, 2005

Case No.: AUS920000801US1 (9000/11)

Serial No.: 09/731,624

Filed: December 7, 2000

Page 19 of 21

21. A network data processing system comprising:  
means for sending an available operating systems list from a server to a target device, the target device to be remotely booted by the server, prior to executing an operating system on the target device;  
means for determining a hardware configuration of the target device;  
means for determining if the hardware configuration is compatible with each operating system from the available operating systems list; and  
means for generating a compatible operating systems list.

22. The system of claim 21 further comprising:  
means for determining a specific location of the target device;  
means for determining at least one location-based operating system that is based on the specific location; and  
means for determining if the location-based operating system is compatible with the hardware configuration.

23. The system of claim 21 further comprising:  
means for executing a network bootstrap program on the target device before a target operating system is selected;  
means for selecting the target operating system from the compatible operating systems list;  
means for relocating the network bootstrap program after the target operating system is selected; and  
means for sending the target operating system to the target device.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 20 of 21

24. A method of dynamically creating a list of operating systems for a target device in communication with a server, the target device to be remotely booted by the server, prior to executing an operating system on the target device, comprising:

receiving from the server, at the target device, an available operating systems list of at least one operating system available to the target device;  
determining a hardware configuration of the target device;  
determining if the hardware configuration is compatible with each operating system from the available operating systems list; and generating a compatible operating systems list;

selecting a preferred operating system for the target device from the compatible operating systems list; and

executing the preferred operating system on the target device.

25. The method of claim 24 wherein selecting a preferred operating system for the target device comprises an automatic selection.

26. The method of claim 24 wherein selecting a preferred operating system for the target device comprises a selection by a system administrator.

27. The method of claim 24 wherein selecting a preferred operating system for the target device comprises a selection by a user.

June 3, 2005  
Case No.: AUS920000801US1 (9000/11)  
Serial No.: 09/731,624  
Filed: December 7, 2000  
Page 21 of 21

**Evidence Appendix**

None

**Related Proceedings Appendix**

None.